

TITLE 2: ELECTIONS

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Chapter 2.05 Elective Offices

§ 2.05.005 Councilmanic Districts.

The 5 political subdivisions of the city are respectively designated and established below:

A. Councilmanic District No. 1. (Ord No. 1611) – description pending City Engineer

In the City of Seal Beach, County of Orange, State of California described as follows:

Beginning at a point of intersection of the Los Angeles County/City of Seal Beach boundary with the centerline of Marina Drive as shown on Tract Map No. 9783, as recorded in Book 437, page 34, Records of Orange County;

Thence, southeasterly along the centerline of said Marina Drive to a point of intersection with the centerline of 6th Street;

Thence, northeasterly along the centerline of said 6th Street to a point of intersection with the centerline of the Pacific Electric Right-of-Way;

Thence, southeasterly along the centerline of said right-of-way to a point of intersection with the centerline of 8th Street;

Thence, northeasterly along said centerline to a point of intersection with the centerline of Pacific Coast Highway (State Highway Route I);

Thence, southeasterly along the centerline of Pacific Coast Highway to a point of intersection with the west line of the east half of Section 13, Township 5 south, Range 12 west, also being the City of Seal Beach boundary as described in original incorporation;

Thence, southerly along said boundary line to a point of intersection with the northerly boundary of location No. 141 State Tidelands, described in patent issued April 4, 1901, also being the City of Seal Beach boundary as described in Annexation No. 7 and the common boundary line between Annexation No. 7 and Annexation No. 67-1;

Thence, easterly, southerly, southeasterly, southwesterly, northwesterly and southwesterly along the northerly and northeasterly line of the lands described in Annexation No. 67-1 to the north line of California State Highway 101 (presently known as Pacific Coast Highway);

Thence, southeasterly along said north line of Pacific Coast Highway and its southeasterly projection to a point of intersection with the centerline of Anderson Street, also being the common boundary line between Rancho Los Alamitos and Rancho La Bolsa Chica; (Ord. 1344)

Thence, southwesterly along said common line and its southwesterly projection 3 miles to the southwesterly boundary line of the City of Seal Beach;

Thence, northwesterly along said boundary line of the City of Seal Beach, said boundary line being parallel with the 3 miles southwesterly from the Mean High Tide Line of the Pacific Ocean, to a point of intersection with the prolongation of the common boundary line between Los Angeles County and Orange County (the City of Seal Beach);

Thence, northeasterly along said boundary line to the true point of beginning.

B. Councilmanic District No. 2. (Ord No. 1611) – description pending City Engineer

In the City of Seal Beach, County of Orange, State of California described as follows:

Beginning at a point of intersection of the easterly right-of-way of the Bolsa Chica Flood Control Channel and the northerly right-of-way of the San Diego/Garden Grove Freeway;

Thence, southerly along the City of Seal Beach boundary being a common boundary with the City of Westminster to the centerline of Westminster Avenue;

Thence, westerly along said centerline to a point of intersection with the centerline of Seal Beach Boulevard;

Thence, northerly along said centerline to a point of intersection with the centerline of St. Andrews Drive;

Thence, westerly and continuing northwesterly along said centerline of St. Andrews Drive to a point of intersection with the centerline of Northwood Road;

Thence, westerly along the centerline of said Northwood Road to a point of intersection with the southerly projection of the easterly boundary of that portion of land recorded as Parcel Map 33-17, Miscellaneous Maps, Orange County;

Thence, northerly along said line and the easterly line of said Parcel to a point of intersection with the southerly line of Garden Grove Boulevard (Old Name), also being the southerly line of State of California Route 22;

Thence, westerly along said line to a point of intersection with the common line between Los Angeles County and the City of Seal Beach;

Thence, northwesterly and northeasterly along said boundary line to a point of intersection with the northerly line of Annexation 64-1, also being the common boundary of Orange County and the City of Seal Beach;

Thence, along said common boundary and following the northerly line of Annexation 64-1 generally southeasterly, southerly, southeasterly, northeasterly and northerly to the intersection with the southerly boundary of Annexation 66-1;

Thence, westerly, northerly, easterly, northerly, easterly and southerly along the boundary of said annexation to a point of intersection with the northerly boundary of Annexation 64-1, also being the common boundary of the City of Los Alamitos and the City of Seal Beach;

Thence, westerly along said boundary line 30 feet to a point of intersection with the centerline of Seal Beach Boulevard;

Thence, southerly and southwesterly along said centerline to a point of intersection with northerly right-of-way line of the San Diego/Garden Grove Freeway;

Thence, easterly along said right-of-way line of San Diego/Garden Grove Freeway to the true point of beginning.

C. Councilmanic District No. 3.

In the City of Seal Beach, County of Orange, State of California described as follows:

Beginning at a point of intersection of the Los Angeles County/City of Seal Beach boundary with the centerline of Marina Drive as shown on Tract Map No. 9783, as recorded in Book 437, page 34, Records of Orange County;

Thence, southeasterly along the centerline of said Marina Drive to a point of intersection with the centerline of 6th Street;

Thence, northeasterly along the centerline of said 6th Street to a point of intersection with the centerline of the Pacific Electric Right-of-Way;

Thence, southeasterly along the centerline of said right-of-way to a point of intersection with the centerline of 8th Street;

Thence, northeasterly along said centerline to a point of intersection with the centerline of Pacific Coast Highway (State Highway Route I);

Thence, southeasterly along the centerline of Pacific Coast Highway to a point of intersection with the west line of the east half of Section 13, Township 5 south, Range 12 west also being the City of Seal Beach boundary as described in original incorporation;

Thence, southerly along said boundary line to a point of intersection with the northerly boundary of location No. 141 State Tidelands, described in patent issued April 4, 1901, also being the City of Seal Beach boundary as described in Annexation No. 7 and the common boundary line between Annexation No. 7 and Annexation No. 67-1;

Thence, easterly, southerly and southeasterly along said common boundary line and continuing southeasterly, northeasterly and easterly along said boundary line of Annexation No. 7 to a point of intersection with the easterly boundary of the City of Seal Beach common with the City of Huntington Beach, said point also being the northerly line of Edinger Avenue and the westerly line of Bolsa Chica Avenue;

Thence, northerly along said boundary line with the City of Huntington Beach and continuing northerly along with the common boundary line with the City of Westminster to a point of intersection with the centerline of Westminster Avenue;

Thence, westerly along the centerline of Westminster Avenue to a point of intersection with the common boundary between Los Angeles County and the City of Seal Beach;

Thence, southerly and southwesterly along said common boundary line to a point of intersection with the centerline of Marina Drive as shown on Tract Map No. 9783, being the true point of beginning.

D. Councilmanic District No. 4.

In the City of Seal Beach, County of Orange, State of California described as follows:

Beginning at the intersection of the northerly right-of-way line of Lampson Avenue and the easterly right-of-way of the Bolsa Chica Flood Control Channel;

Thence, southerly to an intersection of the easterly right-of-way line of the Bolsa Chica Flood Control Channel with the northerly right-of-way line of the San Diego/Garden Grove Freeway;

Thence, westerly along the northerly right-of-way line of the San Diego/Garden Grove Freeway to a point of intersection with the centerline of Seal Beach Boulevard;

Thence, northeasterly and northerly along said centerline of Seal Beach Boulevard to a point of intersection with the City of Los Alamitos/City of Seal Beach boundary line, also being the northerly boundary of Annexation 64-1;

Thence, easterly, southerly and easterly along said boundary line with the City of Los Alamitos (also, being the northerly boundary of Annexation 64-1 and along the northerly right-of-way line of Lampson Avenue) to the true point of beginning.

E. Councilmanic District No. 5.

In the City of Seal Beach, County of Orange, State of California described as follows:

Beginning at a point of intersection of the centerline of Seal Beach Boulevard and the centerline of Westminster Avenue;

Thence, westerly along said centerline of Westminster Avenue to a point of intersection with the common boundary line between Los Angeles County and the City of Seal Beach;

Thence, northerly and northwesterly along said common boundary line to a point of intersection with the southerly right-of-way line of Garden Grove Boulevard (old name) also being the southerly right-of-way line of the State of California Route 22;

Thence, easterly along said line to easterly boundary of that portion of land recorded as Parcel Map 33-17, Miscellaneous Maps, County of Orange;

Thence, southerly along said easterly boundary line and its prolongation to a point of intersection with the centerline of Northwood Road;

Thence, easterly along said centerline to a point of intersection with St. Andrews Drive;

Thence, southeasterly and easterly along said centerline of St. Andrews Drive to a point of intersection with the centerline of Seal Beach Boulevard;

Thence, southerly along said centerline of Seal Beach Boulevard to a point of intersection with the centerline of Westminster Avenue, being the true point of beginning.

§ 2.05.010 2000 Census Redistricting.

The 5 political subdivisions or districts set forth in this chapter are in accordance with the city charter and Elections Code Section 21620. No political subdivision or district adjustments are necessary based on the results of the 2000 federal census.

§ 2.05.015 Filing Fee.

A filing fee for candidates' nomination papers for elective offices held in the city shall be set by city council resolution. Each candidate for the city council or for city clerk shall pay the filing fee to the city clerk at the time the candidate's nomination paper is filed with the city clerk. The city clerk may waive the filing fee if the candidate files a written affidavit declaring, under penalty of perjury, an inability to pay the fee. The city clerk shall remit to the finance department all filing fees received, and such fees shall be deposited in the general fund.

§ 2.05.020 Mail Ballot General Municipal Elections, Municipal Run-off Elections, and Special Elections. (Ord. No. 1539)

A. Pursuant to Section 507 of the Seal Beach Official Charter, the city council hereby authorizes, provides for and mandates the conduct of all-mailed ballot elections for general municipal elections, municipal run-off elections, and special elections, including any election to authorize the issuance of general obligation bonds. Such mail ballot elections shall be conducted in accordance with the applicable provisions of Chapter 2 of Division 4 (commencing with Section 4100) of the California Elections Code, except as otherwise provided in this Section 2.05.020.

B. Election Code Sections 3001 through 3008, 3013, 3015 through 3017, and 3020 through 3022 shall not be applicable to city elections conducted pursuant to this Section 2.05.020. Chapter 1 of Division 4 of the Elections Code (commencing with Section 4000) and Election Code Sections 4104 through 4108 shall not be applicable to the city elections conducted pursuant to this Section 2.05.020.

C. Elections Code Section 4103 shall apply with the added provision that, at the time of calling an all-mailed ballot election, the city council may

change the deadline for the receipt of ballots by the city clerk for that election. In the event the Council makes such a change, the change shall also apply to the "8:00 p.m." deadline specified in paragraphs F, K and N below.

D. Any voter may personally return his or her ballot to the city clerk's office, to any designated drop-off site, or the voter may designate and authorize, in the voter's own handwriting at the appropriate place on the outside of the ballot envelope, any adult person other than any candidate for any office in such election, to deliver the voter's ballot to the city clerk's office or to any designated drop-off site. The city clerk shall provide the appropriate form on the ballot envelope for the voter's handwritten and signed designation and authorization. The person who delivers any other voter's ballot to the city clerk's office or to any designated drop-off site shall, at the time of such delivery, present sufficient photographic identification to prove that he or she is the person who has been expressly designated and authorized by the voter, and shall personally sign, in the presence of the city clerk or the city clerk's representatives, a declaration under penalty of perjury relating to such designation, authorization, and delivery on a form furnished by the city clerk's office.

E. Elections Code Section 3019 shall apply with the added provision that the city clerk may compare a copy of a voter's signature produced from the original ballot envelope to the voter's signature on the original affidavit, or may arrange with the County Registrar of Voters to compare such signature copies on the city's behalf, and if a ballot shall be rejected on the basis of such comparison an appropriate notation shall be marked on the original ballot envelope as required by Section 3019.

F. The city clerk's office shall be open 29 days before Election Day on weekdays (excluding holidays) from 8:00 a.m. to 5:00 p.m. and on Election Day from 7:00 a.m. to 8:00 p.m., and at that time, shall be closed.

G. Each ballot mailed by the city clerk shall be accompanied by instructions for return of the ballot, including the location of the city clerk's office for in-person drop-offs of ballots, and the date and time by which such ballots must be received at the city clerk's office or to any designated drop-off site to be counted for the election.

H. Each ballot mailed by the city clerk shall be accompanied by an official return envelope bearing sufficient postage for return by regular first class United States mail.

I. The failure of any registered voter to receive an official ballot shall not invalidate any election conducted pursuant to this chapter.

J. Ballots may be returned by regular, certified or registered United States mail, overnight commercial carrier, or in person. Ballots returned in person

may be returned to the city clerk's office or to any designated drop-off site. The city clerk may include a notice to voters to the effect that they are permitted to return the voted ballot by certified or registered United States mail or overnight commercial carrier. Any voter electing to use such means of delivery shall pay any additional postage required as a result.

K. Any ballot received by the city clerk by mail at the city clerk's office or to any designated Drop-off site after 8:00 p.m. on election day shall not be accepted or counted; however, if at 8:00 p.m. on election day there are any voters inside city hall who have not been able to deposit their official ballot envelope with the election officials there, the election officials shall continue to accept envelopes from such voters until all have had the opportunity to deliver their ballots.

L. Any registered voter who will be absent from the city prior to the mailed-ballot election to and including the date of the election may file a written application with the city clerk to receive an "absentee" mailed ballot at an address other than the voter's residence. The application shall be filed following the adoption of the ordinance or resolution calling the mailed ballot election and on or before the 7th day prior to the election. The application shall show the voter's place of residence and the address to which the ballot should be mailed, and state that the voter will be unable to receive and return the mailed ballot by the election date, and shall be signed by the applicant under penalty of perjury. No voter who requests an absentee mailed ballot shall be required to return or surrender a duplicate mailed ballot sent to the voter's residence.

M. Any registered voter who has not already cast his or her vote may obtain a ballot at the city clerk's office or at designated drop-off sites. Such places should provide the necessary materials to enable voters to cast their votes in person -- in accordance with the provisional ballot provisions of the Elections Code.

N. Notwithstanding any provision in the California Elections Code, the city clerk may commence processing the ballots no earlier than the 7th working day prior to the election. However, the city clerk shall not release any results until 8:00 p.m. on Election Day.

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Chapter 2.10

Campaign Reform

(Ord. No. 1592)

§ 2.10.005 State and Federal Law.

Unless otherwise provided in this Chapter 2.10, election campaigns shall comply with applicable state and federal laws governing elections.

§ 2.10.010 Maximum Contribution Limit for City Candidate Elections.

A. Purpose.

1. To eliminate the possibility of corruption or the appearance of corruption in local elections, arising as a result of disproportionately large political contributions, whether cash or in-kind, by adopting limits on the amount of money any person may contribute or otherwise cause to be available to candidates for the city council and those who support or oppose such candidates;

2. Pursuant to California Government Code Section 81013 and Elections Code Section 10202, to impose contribution limits and other regulations in addition to those imposed by state law, but that do not prevent any person from complying with state law.

B. Definitions. The following terms used in this section shall have the meanings set forth below. Except as otherwise provided here, the terms and provisions of this section shall have the meanings and shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (Government Code Section 81000, *et seq.*) and the regulations of the California Fair Political Practices Commission, as amended.

1. **Candidate:** any person who is a candidate for member of the Seal Beach City Council, or any elective city officer whether or not such officer is a candidate for reelection.

2. **Committee:** any person or combination of persons who directly or indirectly does any of the following in connection with supporting or opposing a candidate or candidates for the city council, or supporting, opposing or attempting to qualify the recall of a member of the city council:

a. Receives contributions totaling \$500 or more in a calendar year.

b. Makes independent expenditures totaling \$1,000 or more in a calendar year.

c. Makes contributions totaling \$1,000 or more in a calendar year.

A person or combination of persons that becomes a committee shall file statements of organization with the city clerk within 48 hours of qualifying as a committee in the city and shall retain the status as a committee until such time as that status is terminated pursuant to Government Code Section 84214 or a successor statute.

3. Contribution:

a. A payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure. The term "contribution" includes:

(1) the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events;

(2) the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office;

(3) the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration;

(4) any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received;

(5) a loan and any extension of credit in excess of 30 days, except as provided below, which shall be considered a contribution from the maker of the loan, and shall be by written agreement, a copy of which agreement shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.

b. The term "contribution" does not include:

(1) amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution. However, the fact that such amounts have been received shall be indicated in the appropriate campaign statement;

(2) a payment made by an occupant of a home or office for costs related to any meeting or fund-raising event held in the occupant's home or office if the costs for the meeting or fund-raising event are \$500 or less;

(3) volunteer personal services or payments made by any individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her;

(4) the proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed, or a loan made under circumstances making it clear that the loan is not for political purposes;

(5) an independent expenditure.

c. A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 14 days of receipt.

4. Controlled Committee: a committee that is controlled directly or indirectly by a candidate or city measure proponent or that acts jointly with a candidate, controlled committee, or city measure proponent in connection with the making of expenditures. A candidate or city measure proponent controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

5. Election: any general election, special election or recall election.

6. Elective City Officer: any person who is a member of the city council of the City of Seal Beach or any other elective city office, whether that person was appointed or elected to office.

7. Person: an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, committee, company, corporation, limited liability corporation, association, and any other organization or group of persons acting in concert.

C. Contribution Limitations.

1. No person or committee shall make to any candidate, including the controlled committee of such candidate, a contribution in excess of \$500 either cash or in-kind, for any single election at which the candidate is attempting to be, or is, on the ballot. Such limit shall apply to contributions from the candidate's spouse. Additionally, no candidate or candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed \$500 for any single election at which the candidate is attempting to be, or is, on the ballot.

2. The limitations of this section shall not apply to contributions of a candidate's personal funds to his or her controlled campaign committee on behalf of his or her own candidacy.

3. No person shall make a contribution in the name of another.

4. No person shall reimburse, pay in advance, or otherwise compensate another person for a contribution made.

5. No person shall knowingly solicit or accept a contribution in violation of this Section.

6. No person shall knowingly take any action with the intent of evading the contribution limits imposed by this section or concealing violations of this section.

7. Candidates with existing campaign accounts from a prior election for any office, whether local, state or federal, shall open a new account for the next City election in which they are or will be a candidate. No person, committee or candidate shall contribute more than \$500 from the prior campaign account into the new campaign account.

8. Any committee that makes contributions to support or oppose a candidate for city elective office or to support, oppose or qualify the recall of any member of the city council shall do so only from a segregated committee account established for that specific purpose and from funds that are raised in compliance with the limits set forth in this section.

9. A candidate for city office or elective city officer shall have no more than one controlled campaign committee for election to city office. Such a committee shall have only one bank account out of which all qualified campaign expenses shall be made. This section does not prevent a candidate or elective city officer from establishing another committee solely for the purpose of running

for a state, federal, county, special district or other office, or solely formed to support or oppose a ballot measure.

D. Violations - Penalty. Any person who violates this section shall be guilty of a misdemeanor, punishable as provided in Chapter 1.15 of this Code. In the event of a violation of Sections 2.10.010 C-1, C-3, C-4, C-5, C-7, C-8 or C-9 by a candidate or a candidate's controlled committee, the candidate shall be held personally responsible for the violation. In the event of a violation by any non-candidate controlled committee, the committee treasurer shall be held responsible for the violation.

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